

PAGE 1 OF 3

INCIDENT / ARREST REPORT

Lowell Police Dept.
 50 Arcand Drive
 Lowell, MA 01852

☐ INCIDENT
☐ JUVENILE
☐ HATE CRIME
☒ ARREST
☐ DOMESTIC
☐ INVOLVED ALCOHOL

DATE REPORTED: 04/18/2003

TIME REPORTED: 12:00

SECTOR North UNIT vice

CASE NO:
03-7352

OFFENSE
 Def. #1 (Goulart) Poss. CL A Heroin

STATUTE
 94/32

COMMITTED ☒
 ATTEMPTED ☐

OFFENSE
 Poss. CL A Heroin W/Int

STATUTE
 94/32

COMMITTED ☒
 ATTEMPTED ☐

OFFENSE
 Poss. CL A Heroin W/Int. 100 feet Park

STATUTE
 94/32

COMMITTED ☒
 ATTEMPTED ☐

OFFENSE
 Conspiracy to violate controlled sub. law

STATUTE
 94/40

COMMITTED ☒
 ATTEMPTED ☐

DATE OCCURRED FROM 4 18 2003 TO 4 18 2003

TIME OCCURRED FROM 12 0 TO 12 0

4. LOCATION TYPE

LOCATION OF OFFENSE (STREET NUMBER - DIRECTION - STREET NAME - APT NUMBER/BUSINESS NAME - CITY
 261 Aiken Ave. 2nd Floor Lowell, Ma.

5. FORCED ENTRY
 YES ☐ NO ☒ N/A ☐

OFFICER 1 Coughlin

BADGE # 556

OFFICER 2 Samaras

BADGE #

6. TYPE WEAPON 1 NA

7. CALIBER/GAUGE

8. FINISH

NUMBER OF PERSONS PRESENT 1

NUMBER OF OFFENSE 4

NUMBER OF OFFENDERS 2

NUMBER ARREST 1

PERSON 1

13. TYPE
 A Arrestee
 NUM 3 Adult

SOCIAL SECURITY #

NAME (LAST, FIRST & MIDDLE)
Goulart, Pamela

14. RACE
W White

15. SEX
F Female

DOB

☐ ESTIMATED

AGE 50

HEIGHT 5'02

WEIGHT 160

15A. HAIR
Brown

15B. EYES
Brown

16. OFFENSE INDICATOR

17. INJURY EXTENT

18. INJURY TYPE (2)

ADDRESS
261 Aiken Ave. 2nd Fl.

CITY
Lowell

STATE
Ma

ZIP

19. RES TYPE

20. RES STATUS

RES PHONE
BUS PHONE

EMPLOYER/SCHOOL

EMPLOYER ADDRESS

OCCUPATION

SCARS/MARKS/TATTOOS/CLOTHING

21. VIC/OFFENDER RELATIONSHIP

22. FOUL PLAY SUSPECTED

ALIAS/STREET NAME/NICKNAME

PLACE OF BIRTH

PERSON 2

13. TYPE
 S Suspect
 NUM 3 Adult

SOCIAL SECURITY #

NAME (LAST, FIRST & MIDDLE)
Rodriguez, Jose

14. RACE
H Hispanic

15. SEX
M Male

DOB

☒ ESTIMATED

AGE 41

HEIGHT 5'11

WEIGHT 200

15A. HAIR
Brown

15B. EYES
Brown

16. OFFENSE INDICATOR

17. INJURY EXTENT

18. INJURY TYPE (2)

ADDRESS
261 Aiken Ave. 2nd Floor

CITY
Lowell

STATE
Ma

ZIP

19. RES TYPE

20. RES STATUS

RES PHONE
BUS PHONE

EMPLOYER/SCHOOL

EMPLOYER ADDRESS

OCCUPATION

SCARS/MARKS/TATTOOS/CLOTHING

21. VIC/OFFENDER RELATIONSHIP

22. FOUL PLAY SUSPECTED

ALIAS/STREET NAME/NICKNAME

PLACE OF BIRTH

PERSON 3

13. TYPE
 NUM

SOCIAL SECURITY #

NAME (LAST, FIRST & MIDDLE)

14. RACE

15. SEX

DOB

☐ ESTIMATED

AGE

HEIGHT

WEIGHT

15A. HAIR

15B. EYES

16. OFFENSE INDICATOR

17. INJURY EXTENT

18. INJURY TYPE (2)

ADDRESS

CITY

STATE

ZIP

19. RES TYPE

20. RES STATUS

RES PHONE
BUS PHONE

EMPLOYER/SCHOOL

EMPLOYER ADDRESS

OCCUPATION

SCARS/MARKS/TATTOOS/CLOTHING

21. VIC/OFFENDER RELATIONSHIP

22. FOUL PLAY SUSPECTED

ALIAS/STREET NAME/NICKNAME

PLACE OF BIRTH

ICT 19 2004 15:36 PR 51836 NMG
INCIDENT / ARREST REPORT

PAGE 2 OF 3

CASE NO: 03-7352

PROPERTY			
CATEGORY (STLM, RECVD, LOST, DAMAGED, ETC.)	PROPERTY DESCRIPTION (INCLUDING MODEL NO.)	SERIAL NUMBER	PROPERTY OR LOSS VALUE
DRUG TYPE		DRUG ACTIVITY	
MO Describe Other _____		POE Describe Other _____	
CRIME SCENE ROLL # _____	PHOTOS TAKEN YES <input type="checkbox"/> NO <input type="checkbox"/> BY WHOM? _____	DUSTED FOR LATENT PRINTS YES <input type="checkbox"/> NO <input type="checkbox"/>	PRINTS SUBMITTED YES <input type="checkbox"/> NO <input type="checkbox"/> BY WHOM? _____
VEHICLE		PERSON (INDICATE PERSON TO WHOM VEHICLE INFO APPLIES)	
YEAR	MAKE	MODEL	TYPE
VIN		COLOR	PLATE
		INSURANCE COMPANY	

NARRATIVE:

On 04-18-03 while assigned to the SIU, we traveled to 261 Aiken Avenue 2nd floor apartment, to execute LDC Search Warrant number 0311SW050. The targets of this investigation were Jose Rodriguez and Pamela Goulart, (see Detectives Figueroa's affidavit outlining the investigation and probable cause for the warrant). Upon our arrival we knocked at the door, which was answered by Ms. Goulart. She then opened the door at which point we stated, "Lowell Police, we have a search warrant for your residence". Ms. Goulart then allowed us entry into the residence and was given a copy of the search warrant to review. I then read Goulart her Miranda warning and asked if she understood her rights. Ms. Goulart stated that she did. When asked if there were any narcotics in the house she stated, "sometimes he keeps it in the cookie jar". Ms. Goulart stated that she was referring to her live-in boyfriend, Jose Rodriguez. Goulart admitted to being a Heroin user and was also found to have seven open bags in her left front pocket. A search of the residence produced 49 clear heat sealed bags branded "spaceman" containing a white powder substance we recognized to be Heroin and, a clear plastic bag containing a brownish powder substance believed to be uncut Heroin. This was found in the suspect's bedroom by Detective Samaras. Also seized from this same bedroom was \$5,817.00. Located in the kitchen were 28 identical bags containing the same white powder substance, and a notebook containing what appeared to be drug ledgers. These items were found by Detective Hulgren. Personal papers in the name of Pamela Goulart and Jose Rodriguez were also taken from both the bedroom and kitchen area of the house. Ms. Goulart had \$108.00 in U.S. Currency on her person. This money was seized believed to be proceeds from prior narcotic sales. Sgt. Trudel located one Tanika Digital scale commonly used for weighing narcotics prior to street level distribution. Ms. Goulart was arrested and transported via the wagon to the station for processing. I have filed a complaint application for Mr. Rodriguez who was not home at the time of the search warrant. It should be noted that the suspect address is located within 100 feet of the Hovey field and playground. All evidence was tagged and submitted per departmental policy. Two of the suspects vehicles were towed pending forfeiture. Sgt. Trudel located what he recognized to be drug ledgers in the ashtray of a black Mazda convertible registered to Jose Rodriguez.

U.S. Department of Justice
Drug Enforcement Administration

REPORT OF INVESTIGATION

Page 1 of 5

1. Program Code N/A	2. Cross File <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	Related Files	3. File No. [REDACTED]	4. G-DEP Identifier [REDACTED]
5. By: TFA Marcos Chavez At TF4/CBI Lowell, MA			6. File Title [REDACTED]	
7. <input type="checkbox"/> Closed <input type="checkbox"/> Requested Action Completed <input type="checkbox"/> Action Requested By:			8. Date Prepared 04-27-2003	
9. Other Officers: S/As Bob Kew, Gregg Willoughby, Michael O'Shaughnessy, Calice Couchman, TFAs Frank Waterman, Kevin Swift, Terry Hanson, John Bossi, Jason Steiner.				
10. Report Re: Surveillance of purchase and acquisition of Exhibit #3 on Friday 04-18-2003 by TFA Terry Hanson from Kevin ROSAS in Lowell, MA.				

DETAILS

- Reference is made to all other DEA-6's prepared for this case.
- On Friday, 04-18-2003, at approximately 7:30 A.M., Massachusetts State Police Trooper Jose Alejandro and TFA Marcos Chavez established surveillance at ~~844 Central Street in Lowell, MA~~ the residence of Kevin ROSAS. On that day it was anticipated that TFA Terry Hanson, while working in an undercover capacity, would purchase five 10-gram "fingers" of Heroin from ROSAS in the parking lot of the 99 Restaurant located at the corner of Chelmsford St and Industrial Ave.
- At that time, Tpr. Alejandro and TFA Chavez saw the target's vehicle parked in the driveway. That vehicle being a 1998 gray Honda Civic displaying Massachusetts registration 3762SV.
- For approximately the next two hours and fifty minutes there was no relevant activity.
- At approximately 10:18 A.M., the target's younger brother, Lee ROSAS, drove out of the driveway and headed northbound on Central Street in a 1990 Honda Accord color Black, which displayed Massachusetts registration 60ZK03. This particular vehicle is registered to their mother, Antonia ROSAS from 844 Central St, 1st Floor, in Lowell, MA.

11. Distribution: Division NNDA, INTEL District Other	12. Signature (Agent) <i>TFA Marcos Chavez</i> TFA Marcos Chavez	13. Date 04-27-03
	14. Approved (Name and Title) G/S James P. Sullivan, Jr. <i>James P. Sullivan Jr.</i>	15. Date 4/28/03

DEA Form - 6
(Jul. 1996)

DEA SENSITIVE
Drug Enforcement Administration

MC

1 - Prosecutor

This report is the property of the Drug Enforcement Administration.
Neither it nor its contents may be disseminated outside the agency to which loaned.

Previous edition dated 8/94 may be used.

RR 0000000029

REPORT OF INVESTIGATION

(Continuation)

4. Page 2 of 5	1. File No. [REDACTED]	2. G-DEP Identifier [REDACTED]
	3. File Title [REDACTED]	
	6. Date Prepared 04-27-2003	
5. Program Code N/A		

Information received reveals that Lee ROSAS is a known street level distributor of Heroin in the city of Lowell, MA.

6. Tpr. Alejandro performed moving surveillance on Lee ROSAS and saw him drive to the area of the local clinic on Merrimack St. This area is a well known spot for street level narcotics distribution. Tpr. Alejandro then returned to the area of 844 Central St.
7. At approximately 11:00 A.M., TFA Chavez and Tpr. Alejandro saw Fernando ROSAS, the target's older half-brother, arrive at the target's location in his 2002 gray Audi, which displayed Massachusetts registration 5986TN. Fernando ROSAS is a Mexican national and resides at 250 Manchester St Lowell, MA. Information on Fernando ROSAS is that he is a former heroin addict.
8. At approximately 11:10 A.M., TFA Chavez and Tpr. Alejandro saw Fernando ROSAS depart the target's location. Simultaneously, the target's live-in girlfriend, Yanira RIVERA, also drove away in her 1996 Honda Accord color Black, which displayed Massachusetts registration 4051SJ.
9. At approximately 11:20 A.M., TFA Chavez and Tpr. Alejandro saw Kevin ROSAS drive out in his gray Honda. ROSAS was followed to the area of Fulton St and Devlin Ave. in Lowell, MA. At that location, ROSAS picked up an unknown Hispanic male. ROSAS and his UHM passenger then were followed to Gorham and Elm streets, where the passenger exited the car and walked into the Lowell Superior Court. By this time other surveillance units had joined in. ROSAS then parked his Honda on a side street and also walked to the court.
10. At approximately 11:47 P.M., S/A Kevin Frye saw ROSAS and the UHM return to ROSAS' vehicle. The two entered the target's vehicle and were seen to drive southbound on Gorham St towards the town of Chelmsford. S/A Frye and Tpr. Alejandro saw the two arrive at the United Parcel Service (UPS) on Route 129 in Chelmsford, MA.
11. During this time, TFA Hanson, working in an undercover capacity, had attempted to call Kevin ROSAS, but he had been unsuccessful.

REPORT OF INVESTIGATION

(Continuation)

1. File No.

2. G-DEP Identifier

3. File Title

4.
Page 3 of 5

5. Program Code
N/A

6. Date Prepared
04-27-2003

12. At approximately 12:10 P.M., TFA Hanson was contacted by Kevin ROSAS. During that conversation, TFA Hanson placed an order of five 10-gram "fingers" of Heroin from Kevin ROSAS. ROSAS told TFA Hanson that the two would talk later.
13. At approximately 12:28 P.M., S/A Frye and Tpr. Alejandro saw ROSAS, who was wearing all black, and his UHM passenger return to the target's vehicle from the UPS warehouse and drive back to Lowell. The two were followed on Route 129, to Route 3A, into Gorham St, and back to 844 Central St. The time of the target's arrival at his home was approximately 12:35 P.M.
14. At approximately 12:43 P.M., TFA Hanson advised that he had just called ROSAS, who had stated that he would call him right back.
15. At approximately 12:58 P.M., S/A Michael O'Shaughnessy and TFA Chavez saw a 1999 GMC Yukon Stationwagon color Black drive into the target's driveway. This particular car displayed Massachusetts registration 4740VD and is actively registered to Reynaldo RIVERA from 235 10th St in Dracut, MA.
16. At approximately 1:05 P.M., S/A Gregg Willoughby saw the Yukon exit the driveway and drive to the corner of Central and Whipple streets. It parked in front of the Frank and Ernie's Variety store. It was driven by an unknown Hispanic male, who was wearing a dark gray shirt. This UHM walked inside the store.
17. At approximately 1:06 P.M., TFA Chavez advised that TFA Hanson had spoken with ROSAS and he told TFA Hanson he had the heroin and they had agreed to meet in 1 1/2 hours.
18. At approximately 1:08 P.M., S/A Willoughby saw the UHM return to the Yukon and depart the area.
19. At approximately 1:10 P.M., S/A O'Shaughnessy and TFA Chavez saw ROSAS depart his driveway and drive southbound on Central St towards

REPORT OF INVESTIGATION

(Continuation)

1. File No.

2. G-DEP Identifier

3. File Title

4.
Page 4 of 5

5. Program Code
N/A

6. Date Prepared
04-27-2003

Gorham St. ROSAS was followed to Walker St and then to 210 Wilder St, where he exited his vehicle and entered the address.

20. At approximately 1:30 P.M., S/A O'Shaughnessy saw ROSAS exit the address, jog back to his vehicle, where his UHM passenger from earlier had been waiting in, and drive away back to his home.
21. At approximately 2:51 P.M., S/As Frye and O'Shaughnessy advised that TFA Hanson had arrived at the parking lot of the 99 Restaurant located at the corner of Chelmsford Street and Industrial Avenue in Lowell, MA.
22. At approximately 2:54 P.M., S/A O'Shaughnessy advised that TFA Hanson had spoken with ROSAS. ROSAS told TFA Hanson that he only had 40 grams and would call TFA Hanson when he was in the parking lot of the 99 Restaurant.
23. At approximately 3:16 P.M., ROSAS returned to 844 Central St, after driving to the area of Fulton St and Devlin Ave and dropping his UHM passenger off.
24. At approximately 3:31 P.M., S/A Frye and TFA Chavez saw the black Yukon arrive at the target's location. S/A Frye saw ROSAS enter the Yukon from the passenger's side, where he remained for a short period. ROSAS then exited the Yukon and entered a 1989 Honda Civic color Light Blue, which displayed Massachusetts registration 56ZF03. This particular car is actively registered to Antonia ROSAS, the target's mother.
25. At approximately 3:32 P.M., S/A Frye and TFA Chavez saw the Yukon depart the driveway, followed by the Honda, which drove in the opposite direction towards Gorham St. Moving surveillance followed the Honda with ROSAS driving it to the parking lot of the 99 Restaurant.
26. At approximately 3:41 P.M., S/As Frye and O'Shaughnessy saw ROSAS drive around the parking lot, where he picked up TFA Hanson. The two parked and negotiated the five 10-gram Heroin fingers.

REPORT OF INVESTIGATION

(Continuation)

4. Page 5 of 5	1. File No.	2. G-DEP Identifier
	3. File Title	
	5. Program Code N/A	6. Date Prepared 04-27-2003

27. At approximately 3:47 P.M., S/As Frye and O'Shaughnessy saw TFA Hanson exit the light blue Honda and return to his U/C vehicle. TFA Hanson reported that he had all five fingers. TFA Hanson was followed bak to a predetermined location by S/A O'Shaughnessy.
28. At approximately 3:53 P.M., S/A Frye saw ROSAS return to his home in the light blue Honda after an uninterrupted surveillance from Industrial Ave to Central St.
29. TFAs Chavez and Brian Proulx made attempts to locate the Yukon and its driver, but were unsuccessful.
30. Surveillance was terminated at that time.

INDEXING

1. [REDACTED]
2. [REDACTED]
3. [REDACTED]
4. [REDACTED]

1999 GMC Yukon Stationwagon Black
VIN#: 1GKEK13R4XJ766046

RIVERA, Reynaldo NADDIS Pending.
Lic#: S08683047; DOB: 07-20-1978
235 18th Street
Apt#: 204
Dracut, MA 01826

SEARCH WARRANT

G.L. c. 276, §§ 1-7

TRIAL COURT OF MASSACHUSETTS

Lowell COURT DEPARTMENT

District DIVISION

SEARCH WARRANT DOCKET NUMBER

03 11 SW 050

TO THE SHERIFFS OF OUR SEVERAL COUNTIES OR THEIR DEPUTIES, ANY STATE POLICE OFFICER, OR ANY CONSTABLE OR POLICE OFFICER OF ANY CITY OR TOWN, WITHIN OUR COMMONWEALTH:

Proof by affidavit, which is hereby incorporated by reference, has been made this day and I find that there is **PROBABLE CAUSE** to believe that the property described below:

- ☐ has been stolen, embezzled, or obtained by false pretenses.
☒ is intended for use or has been used as the means of committing a crime.
☒ has been concealed to prevent a crime from being discovered.
☒ is unlawfully possessed or concealed for an unlawful purpose.
☒ is evidence of a crime or is evidence of criminal activity.
☐ other (specify) _____

YOU ARE THEREFORE COMMANDED within a reasonable time and in no event later than seven days from the issuance of this search warrant to search for the following property:

- A.) Heroin, a controlled substance as defined in MGL 940C B.) Any and all proceeds derived from the illegal sale of controlled substance or for the procurement of controlled substance
 C.) Any and all paraphernalia used in packaging, all records, photos, papers, documents, or software related to the distribution of controlled substance.

☒ at: 261 Aiken Ave 2nd floor in the City of Lowell is a two and a half story, wood structure two-family home that is white in color. The number 261 is clearly mounted to a black metal railing attached to the right side of the building. To enter in to 261 Aiken Ave. 2nd floor apartment, you climb up a wooden staircase on the right hand side of the building. Once at the top of the stairs you then enter the sliding glass door. This door leads into 261 Aiken Ave 2nd floor apt. in the City of Lowell which is occupied by and/or in the possession of:

Jose O. Rodriguez DOB 3-28-62, SS#884-04-7600

☒ on the person or in the possession of:

Jose O. Rodriguez and Pamela Gaulart DOB 3/23/53

You ☐ are ☒ are not also authorized to conduct the search at any time during the night.

You ☐ are ☒ are not also authorized to enter the premises without announcement.

You ☒ are ☐ are not also commanded to search any person present who may be found to have such property in his or her possession or under his or her control or to whom such property may have been delivered.

YOU ARE FURTHER COMMANDED if you find such property or any part thereof, to bring it, and when appropriate, the persons in whose possession it is found before the

Lowell

Division of the

District

Court Department.

DATE ISSUED

4/14/03

SIGNATURE OF JUSTICE, CLERK-MAGISTRATE OR ASSISTANT CLERK

x *Joseph J. Donahue*

2043

FIRST OR ADMINISTRATIVE JUSTICE

WITNESS: Neil J. Walker

PRINTED NAME OF JUSTICE, CLERK-MAGISTRATE OR ASSISTANT CLERK

Joseph J. Donahue

APPLICATION FOR SEARCH WARRANT

G.L. c. 276, §§ 1-7

TRIAL COURT OF MASSACHUSETTS



NAME OF APPLICANT

Felix A. Figueroa

Lowell COURT DEPARTMENT

District DIVISION

POSITION OF APPLICANT

Narcotics Detective

SEARCH WARRANT DOCKET NUMBER

03 11 SW 050

I, the undersigned **APPLICANT**, being duly sworn, depose and say that:

1. I have the following information based upon the attached affidavit(s), consisting of a total of 7 pages, which is (are) incorporated herein by reference.

2. Based upon this information, there is **PROBABLE CAUSE** to believe that the property described below:

- ☐ has been stolen, embezzled, or obtained by false pretenses.
☒ is intended for use or has been used as the means of committing a crime.
☒ has been concealed to prevent a crime from being discovered.
☒ is unlawfully possessed or concealed for an unlawful purpose.
☒ is evidence of a crime or is evidence of criminal activity.
☐ other (specify) _____

3. I am seeking the issuance of a warrant to search for the following property (describe the property to be searched for as particularly as possible):

A.) Heroin, a controlled substance as defined in MGL CH94C B.) Any and all proceeds derived from the illegal sale of controlled substance or for the procurement of controlled substance

C.) Any and all paraphernalia used in packaging, all records, photos, papers, documents, or software related to the distribution of controlled substance.

4. Based upon this information, there is also probable cause to believe that the property may be found (check as many as apply):

☒ at (identify the exact location or description of the place(s) to be searched): 261 Aiken Ave 2nd floor in the City of Lowell is a two and a half story, wood structure two-family home that is white in color. The number 261 is clearly mounted to a black metal railing attached to the right side of the building. To enter in to 261 Aiken Ave. 2nd floor apartment, you climb up a wooden staircase on the right hand side of the building. Once at the top of the stairs you then enter the sliding glass door. This door leads into 261 Aiken Ave 2nd floor apt. in the City of Lowell which is occupied by and/or in the possession of: _____

Jose O. Rodriguez DOB 3-28-62, SS#584-04-7600

☒ on the person or in the possession of (identify any specific person(s) to be searched):

Jose O. Rodriguez and Pamela Goulart DOB 3/23/53

☒ on any person present who may be found to have such property in his or her possession or under his or her control or to whom such property may have been delivered.

THEREFORE, I respectfully request that the court issue a Warrant and order of seizure, authorizing the search of the above described place(s) and person(s), if any, to be searched, and directing that such property or evidence or any part thereof, if found, be seized and brought before the court, together with such other and further relief that the court may deem proper.

☐ have previously submitted the same application.

☒ have **not** previously submitted the same application.

PRINTED NAME OF APPLICANT

Felix A. Figueroa

SIGNED UNDER THE PENALTIES OF PERJURY

Signature of Applicant

2044

SWORN AND SUBSCRIBED TO BEFORE

X

Signature of Justice, Clerk/Magistrate or Assistant Clerk

DATE

4/14/03

AFFIDAVIT OF FELIX A. FIGUEROA

I Felix A. Figueroa, being duly sworn, depose and state under the pains and penalties of perjury, that the following is true and to the best of my knowledge.

1. I am a police officer with the City of Lowell Police Department. I have been a police officer in the City of Lowell for the past five years and I have been assigned to the Special Investigations Section as a detective for the past four years. I am working under the direct supervision of Sgt. James Trudel. Sgt. Trudel's experience in narcotics investigation is in excess of ten years. Prior to my employment as a Police Officer, I was a Corrections Officer at Walpole State Prison as well as with the Middlesex County Sheriff's Department. During my career as a Corrections Officer, I became aware of illegal narcotics trends and methods of distribution utilized by drug traffickers. As a Police Officer, I have been involved in the investigation of Street level narcotics sales culminating in the arrest and conviction of suspected dealers. I have also been involved in large-scale drug trafficking investigations, which have also resulted in the arrests of suspected drug traffickers. One of the responsibilities of the Special Investigations Unit is investigating violations of the Controlled Substance Act. I also have a Bachelors Degree in Criminal Justice. I have received specialized training in all aspects of narcotic related crimes ie. Packaging, methods of distribution, and methods of concealing illegal drugs. I have also received training in Interviewing and interrogation techniques from the Massachusetts Criminal Justice Training Council, Drug Enforcement Agency (DEA), and the Massachusetts State Police. During my career with the Lowell Police Department, I have also acted in an undercover capacity.

2. Within the last two months I received a call from an informant at which time it told me that it had knowledge of a drug distribution organization that is operating from inside an automotive repair garage at 5 Spring Ave in the City Of Lowell. This informant fears for its safety and that of its family if its true identity were revealed so for the

duration of this affidavit I will refer to this individual as CIA. CIA is a self-admitted drug user and therefore is familiar with the current methods of packaging and distribution that are utilized by drug dealers throughout the City of Lowell. During this contact, CIA stated that it has first hand knowledge that the owner of this business utilizes several drug runners to conduct heroin deliveries in and around the City of Lowell. CIA further relayed that the owner of this business is a clean-cut Hispanic male approximately 6' 0" that it knows as "Orlando". CIA also described several vehicles that "Orlando" utilized including an older blue Toyota pickup truck with big wheels, a black Mazda RX-7 convertible, and red older model BMW. CIA adds that "Orlando" opens his garage in the early morning at which time foot and vehicle traffic are constant throughout the day.

3. During the past year, The Special Investigations Section supervisor Sgt. Trudel has been receiving information from a past reliable informant. This informant has provided the Lowell Police Department information that has proved to be reliable in which illegal narcotics were seized and suspected drug distributors arrested and convicted of said crimes. This informant also fears for the safety to itself and to member of its family if its true identity were to be revealed so for the duration of this report I shall refer to this informant as CIB. During meetings with Sgt. Trudel CIB reported that it knows of a Hispanic male known as Jose O. Rodriguez. According to CIB, it has purchased heroin from Jose O. Rodriguez on numerous occasions at Rodriguez's residence that is located at 261 Aiken Ave second floor apartment in Lowell. CIB also reports that Jose Rodriguez lives at this residence with his girlfriend Pamela Goulart. CIB states that Jose O Rodriguez also utilizes the third floor of this building as part of his home. CIB states that heroin is sold at this location. From surveillances conducted at 261 Aiken Ave it appears that the third floor is the attic portion of the home that has been renovated for living quarters. CIB states the "Jose O" (this is the street name Jose O. Rodriguez is known by) sells raw unpackaged heroin as well as heroin that is packaged. CIB states that "Jose O" is a substantial dealer in the City of Lowell. CIB states that there are several vehicles parked at his residence on a daily basis. CIB further relayed that Jose O. Rodriguez also operates an automotive repair garage on 5 Spring Ave in the City of Lowell that he utilizes as a front to sell narcotics from.

4. On Saturday, 4-12-03, at 6:30 PM, while conducting surveillance on the 5 Spring Ave. automotive garage, which is operated by Jose O Rodriguez, SIS detectives and I observed a gray Lexus (MA 8831HG) parked in front of the 5 Spring Ave garage. This vehicle is known to the Special Investigations Section to be utilized as a delivery vehicle, which is operated by a Miguel Osario. This information has been supplied to the SIS by another past reliable informant. Miguel Osorio is known by members of the Special Investigations Unit, to be a heroin dealer in the City of Lowell. Osario has been arrested and convicted of heroin distribution charges in the past. Surveillances of Osario have been conducted by SIS detectives. Osario was under surveillance on this same date earlier in the afternoon and was observed to be operating this gray Lexus. Within minutes of this latest surveillance, Sgt. Trudel observed a Hispanic male that he immediately recognized as Miguel Osario from earlier surveillance, exiting the 5 Spring Ave garage and run directly to his vehicle. The vehicle was then followed by surveillance units as it drove southbound on School Street. We have received information from a past reliable informant regarding Osario making heroin deliveries in the Lowell area utilizing his newer model Lexus. This informant has provided information in the past that has led to the seizure of illicit narcotics and the arrests of drug dealers. This informant fears harm to itself and to members of its family if it's true identity were to become known. For this reason, I will refer to the informant as CIC and will be purposely evasive regarding CIC's gender. CIC informed Detective Coughlin of the SIS that it has observed Osorio as he delivered heroin to a Gail Eaton's house in the past at 32 Lane Street rear. CIC went on to say that Osorio is Gail Eaton's new supplier and that he makes frequent deliveries to Eaton's house for the purpose of dropping off amounts of heroin. Gail Eaton has been arrested by members of the SIS in the past two months for heroin (Possession with intent to distribute) charges. We have learned that since her arrest she has continued to sell heroin out of her address at 32 Lane Street rear unit. As I followed the Gray Lexus South on School Street, I observed it take a left onto Westford Street and pull immediately to the right of the street. It should be noted that I was accompanied by Sgt James Trudel and Detective John Samaras who were in their respective unmarked police cruisers performing surveillance in the immediate area. At this time, I observed a Hispanic Male as he crossed Westford Street and entered the passenger side of the Lexus. The Lexus then proceeded to enter back into traffic and

continued to head inbound on Westford Street. I then followed the Lexus as it took a right onto Lane Street and then pulled immediately into the driveway of 32 Lane Street. A decision was then made to approach the vehicle. The driver Osario exited the Lexus quickly proceeded to walk towards the rear of the building. Sgt. Trudel was first to arrive and exited his unmarked police vehicle that he parked on Lane St. As he approached Osario he stated "Lowell Police Can I Talk to you". At this time Osario looked in his direction and then turned and ran into 32 Lane St. (rear) and slammed the door. Sgt. Trudel knocked on the door twice and stated Lowell Police open the door. It should be noted that 32 Lane St (rear) is a one-room apartment that used to be a garage. Directly next to the entry door is a large glass sliding door. After Sgt. Trudel knocked and did not receive a response he went to the sliding door and could easily see into the apartment. At this time he saw Osario in the bathroom standing over the toilet. Sgt. Trudel has been inside this one room apartment during narcotic search warrants and is familiar with the location of the bathroom. He then saw Osario turn away from the toilet and walk towards the front door. Sgt. Trudel at this time believed that Osario was flushing narcotics down the toilet. Gail Eaton at this time opened the door and Osario walked out the door. In his right hand Osario has a plastic sandwich bag that appeared to be torn. It is common practice for heroin dealers to place larger amounts of heroin in plastic sandwich bags as a means of storage. At this time I came on scene and confronted Osario. Sgt. Trudel entered into 32 Lane St and proceeded directly to the bathroom. Sgt. Trudel observed 3 heat sealed bags with white powder in the toilet. These items were retrieved by Sgt. Trudel and turned over to me. Def. Eaton was read her Miranda warnings to which she stated she understood and waived. I then asked her how much heroin she ordered from Def. Osario. Def. Eaton stated that she had called Def. Osario and ordered 20 bags of heroin. She further stated that she had just met Def. Osario within the last two weeks and has purchased heroin from him on several occasions in the past, each time Def. Osario would deliver the heroin to her house utilizing the same gray colored Lexus.

5. Within the past forty-eight hours, I had an opportunity to speak with yet another confidential first time informant. This informant also fears retaliation against members of its family and its family member so for the duration of this affidavit I shall refer to it as CID. CID is also a self-admitted drug user and is familiar with current methods of

packaging and distribution utilized by drug distributors in the City of Lowell. CID also agreed to show us where Defendant Osario picks up the heroin he sells and also told me that the main person of this distribution organization is a Hispanic male known to him only as "Orlando". CID then directed us to "Orlando's" automotive garage on Spring Ave and pointed to the number 5 garage. He also directed us to Orlando's residence on 261 Aiken Ave, where he also pointed to "Orlando's vehicles those of which are mentioned above such as the black Mazda RX-7 and a red BMW. Dominguez also stated that Orlando also operates a blue Toyota pickup with big wheels. This information is consistent with our investigations surveillances and knowledge of this organization.

6. In an effort to verify all of the information that was received SIS Detectives and I conducted several surveillances on the Spring Ave address on several occasions. On each surveillance, there were several known drug users and dealers traveling in and out of the garage. I also located the Blue Toyota pickup truck with the big wheels parked in front of the garage bearing Ma registration 4752RZ. After running this plate through Department of Registry computer system, it showed that the vehicle was registered under the name of Jose Llanos with a date of birth of 2-24-78. This individual has been the target of a previous investigation that was cut short because his landlord Elizabeth Poitras, (978) 4527481, walked in to his 31 Burgess apartment during an appraisal she was having done to refinance her property and observed Mr. Llanos along with another male bagging up what she believed to be narcotics. She had observed a scale, plastic baggies and white residue on a card table (LPD rep#03). Shortly after this incident the suspect, Llanos, moved out of the Burgess St. address. Detectives also conducted surveillance on the targets home address of 261 Aiken Ave. in the City of Lowell, where his red BMW was parked with NH registration. SIS detectives and I also placed the Black BMW MA registration 9354TC at both 5 Spring Ave garage and 261 Aiken Ave house. This vehicle is also registered to the aforementioned Jose Llanos. It should be noted that drug distributors attempt to conceal their identities by registering vehicles under names other than their own in order to divert attention from law enforcement. During one of our surveillances at the targets home residence I was able to see Jose O. Rodriguez, who I am familiar with, exiting his second floor apartment and enter into his black Mazda

RX-7 in the early morning hours. I also contacted Ma Electric for the subscriber information. Ma Electric reported that the utilities to this residence is under the name of Pamela Goulart and has been active since 10-23-00 and has a phone listing of 978-323-7812. I also ran Pamela Goulart's license status and it revealed that she is still using a 25 Bachelder Street address. I have learned through this investigation that 25 Bachelder Street is an address where Pamela Goulart previously lived. A Board of Probation check also revealed that Pamela Goulart utilizes six different aliases and also has several entries including illegal narcotics possession charges. A Board of Probation check on Jose O. Rodriguez, revealed he has twenty-eight entries several of which are for illegal narcotics including manufacturing and possession of Class A heroin. On his BOP, it also showed that he had a 25 Bachelder St. address which is the same address Pamela Goulart used prior to moving to her current address. Through our investigation I found that Jose O Rodriguez's date of birth is 3-28-62, and has a social security number of 584-04-7600. Jose O. Rodriguez's license status revealed that he currently has an active license and lists 261 Aiken Ave. Apt. B as his residence. It should be noted that the information from all the informants has been corroborated and is consistent with our observations during our surveillances.

7. It is my experience as a narcotics Detective that drug dealers who utilize fronts for the sole purpose of conducting illegal drug operations attempt to conceal their identities in several ways. They go to extremes not to register vehicles, utilities and other properties under their own names for fear of being located or that properties that they own acquired by illegal drug sales become seized. This investigation has revealed that the target, Jose O. Rodriguez, has taken many measures to conceal his identity from law enforcement and possible other agencies. Jose O. Rodriguez has registered his vehicles under two different people one of which Jose Llanos a known drug dealer and another white male out of New Hampshire. He has also put his utilities under his girlfriend's name that also has several entries on her BOP for illegal narcotics. It is also my experience as a narcotics detective that drug dealers will commonly store narcotics and proceeds from drug sales at different location. Drug dealers stash drugs and proceeds at different locations in the event they get caught with narcotics they will not loose their monies. Due to the above facts and information that has been

provided by several informants it is my belief that Jose O. Rodriguez's automotive garage on 5 Spring Ave. and his residence on 261 Aiken Ave. 2nd floor are utilized for the sole purpose of selling, manufacturing narcotics, and storing proceeds from prior drug sales.

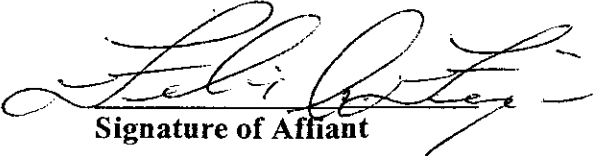
8. 5 Spring Ave in the City of Lowell is a one and half story cement/wood structure colored gray and green. The number five is clearly affixed to a green door on the front of the building. To enter 5 Spring Ave in Lowell, you walk through this door.

9. 261 Aiken Ave in the City of Lowell is a two and a half story, wood structure two-family home that is white in color. The number 261 is clearly mounted to a black metal railing attached to the right side of the building. To enter in to 261 Aiken Ave 2nd floor apartment, you climb up a wooden staircase on the right hand side of the building. Once at the top of the stairs you then enter the sliding glass door. This door leads you directly in to 261 Aiken Ave 2nd floor in the City of Lowell.


10. Based on the above facts contained in this affidavit, I believe that there is probable cause to issue a search warrant for 5 Spring Ave. in the City of Lowell for A.) Heroin, a controlled substance as defined in MGL CH 94C B.) Any and all proceeds derived from the illegal sale of controlled substance or for the procurement of controlled substance. C.) Any and all paraphernalia used in packaging, all records, photos, papers, documents, or software related to the distribution of controlled substance.

11. Based on the above facts contained in this affidavit, I believe that there is probable cause to issue a search warrant for 261 Aiken Avenue 2nd floor apartment, in the City of Lowell for A.) Heroin, a controlled substance as defined in MGL CH 94C B.) Any and all proceeds derived from the illegal sale of controlled substance or for the procurement of controlled substance. C.) Any and all paraphernalia used in packaging, all records, photos, papers, documents, or software related to the distribution of controlled substance.

Then personally appeared before named Felix A. Figueroa and made oath that the foregoing affidavit by her subscribed is true.


Signature of Affiant

4-14-03
Date


Judge, Clerk Magistrate, Asst. Clerk Magistrate

4/14/03
Date

APPLICATION FOR COMPLAINT

Case 1:04-cr-00938-NMG Document 269-2

Filed 09/15/09 Page 10 of 10

Trial Court of Massachusetts
District Court Department



☐ ARREST ☐ HEARING ☐ SUMMONS ☒ WARRANT

The within named complainant requests that a complaint issue against the within named defendant, charging said defendant with the offense(s) listed below.

COURT DIVISION

Lowell District Court
41 Hurd Street
Lowell, MA. 01852

DATE OF APPLICATION DATE OF OFFENSE PLACE OF OFFENSE

4-18-03 4-18-03 Lowell

NAME OF COMPLAINANT

Det. Coughlin

NO.

OFFENSE

G.L. Ch. and Sec.

ADDRESS AND ZIP CODE OF COMPLAINANT

L.P.D.

1.

Poss Class A

94C

with intent

32(a)

2.

Poss Class A with

94C

to dist school/back

32J

3.

Poss to Viol

94C

Narc laws

41K

4.

NAME, ADDRESS AND ZIP CODE OF DEFENDANT

Jose O. Rodriguez

201 Aiken Ave 2nd Floor

Lowell, Ma

COURT USE ONLY

A hearing upon this complaint application will be held at the above court address on

DATE OF HEARING

TIME OF HEARING

AT

COURT USE ONLY

CASE PARTICULARS — BE SPECIFIC

NO.	NAME OF VICTIM Owner of property, person assaulted, etc.	DESCRIPTION OF PROPERTY Goods stolen, what destroyed, etc.	VALUE OR PROPERTY Over or under \$250.	TYPE OF CONTROLLED SUBSTANCE OR WEAPON Marijuana, gun, etc.
1				
2				
3				
4				

OTHER REMARKS:

Rep# 03-

cc - consp.
O Pamela Goulart.

PUERTO RICO

X

SIGNATURE OF COMPLAINANT

DEFENDANT IDENTIFICATION INFORMATION — Complete data below if known.

DATE OF BIRTH	PLACE OF BIRTH	SOCIAL SECURITY NUMBER	SEX	RACE	HEIGHT	WEIGHT	EYES	HAIR
3-28-62	PR	584 04 7600	M	H	5'11"	200	Ben	Ben
OCCUPATION	EMPLOYER/SCHOOL	MOTHER'S NAME (MAIDEN)	FATHER'S NAME					
Occupation		FERROD	Diana D. L.					